

CITY OF VENTURA CITY COUNCIL AGENDA

Mayor Neal Andrews

Cheryl Heitmann, Councilmember
Matt LaVere, Deputy Mayor
Jim Monahan, Councilmember

Erik Nasarenko, Councilmember
Mike Tracy, Councilmember
Christy Weir, Councilmember

Dan Paranick, Interim City Manager
Gregory G. Diaz, City Attorney
Antoinette M. Mann, City Clerk

AMENDED 4/6/2018
Agenda Item No. 15
Project 10910 Added

REGULAR MEETING **MONDAY, APRIL 9, 2018, 6:00 P.M.** **COUNCIL CHAMBERS, 501 POLI STREET, VENTURA**

The regular meetings of the San Buenaventura (Ventura) City Council also serve as regular meetings of the Successor Agency and Public Facilities Financing Authority when Successor Agency and Public Facilities Financing Authority items are listed on the agenda.

The public has the opportunity to address the City Council on any item appearing on the agenda. Persons wishing to address the City Council are limited to three minutes on any agenda item with a cumulative total of five minutes for all agenda items, except if there are one or more Successor Agency and Public Facilities Financing Authority items on the agenda, members of the public shall have an additional total of three minutes on any agenda item with a cumulative total of five minutes for all agenda items to address all Successor Agency and Public Facilities Financing Authority matters.

At the first regular meeting of the month, City Council has allocated a total of 30 minutes for members of the public to address City Council on items of City business other than scheduled agenda items near the beginning of the agenda and will continue speakers beyond the 30 minutes until the end of the agenda under the heading of "Public Communications". Individuals may not acquire additional time from other speakers during Public Communications but may do so on formal agenda items per City Council Protocols. City Council cannot take action on any items not on the agenda. These items may be referred to staff or scheduled on a future agenda.

Persons wishing to address City Council should complete and submit a green "Speaker Form." If a member of the public wishes to comment on an item, complete a pink "Comment Form." Both forms are on a table inside the meeting room.

Administrative Reports relating to this agenda are available in the City Clerk's Office, 501 Poli Street, Room 204, Ventura, during normal business hours as well as on the City's website – <https://www.cityofventura.ca.gov/AgendaCenter>.

Public Hearing Notices and any materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office as well as on the City's website – <https://www.cityofventura.ca.gov/1236/9455/City-Council-Public-Hearing-NoticesSuppl>.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at (805) 658-4787 or the California Relay Service at (866) 735-2929. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

ROLL CALL

PLEDGE OF ALLEGIANCE

Eagle Scouts of America Sespe District

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Eagle Scouts of America Sespe District – Eagle Scouts Recognition

Proclamation – Library Week

Spotlight on Local Business – Our Generous Ventura Business Community

CLOSED SESSION REPORT

CITY COUNCIL COMMUNICATIONS

Per Government Code Section 54954.2(a)(2), the Council Communications section of the agenda provides City Council the opportunity to ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities.

PUBLIC COMMUNICATIONS

CONSENT ITEMS

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by City Council at one time without discussion unless a Councilmember, the Administration, or a member of the public requests an opportunity to address any given item. Items removed from the Consent Calendar will be discussed at the beginning of the Formal Items. Approval by the City Council of Consent Items means the recommendation of the Administration is approved along with the terms and conditions described in the Administrative Report.

1. [Minutes – March 5, 2018 and March 19, 2018](#)

Staff: Antoinette M. Mann, City Clerk

RECOMMENDATION

Approve the Special and Regular Meeting Minutes of the March 5, 2018 and March 19, 2018.

CONSENT ITEMS (continued)

2. [Request for Authorization to Extend Outside Counsel Services \[Colantuono, Highsmith & Whatley, PC\] For Pending Litigation – McNulty v. City of San Buenaventura \(Consolidated with Houston v. City of San Buenaventura\)](#)

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an extended legal services agreement with Colantuono, Highsmith & Whatley, PC, in an amount-not-to exceed an additional \$150,000 to continue representation of the City in a lawsuit filed by McNulty and Houston against the City of San Buenaventura.

3. [Request for Authorization to Extend Outside Counsel Services \[Best, Best & Krieger, LLP\] For Pending Litigation – Howard/Scott v. City of San Buenaventura](#)

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an extended legal services agreement with Best, Best & Krieger, LLP, in an amount not-to-exceed an additional \$200,000 to continue representation of the City in a lawsuit regarding sand.

4. [License and Services Migration Agreement with Tyler Technologies for a Land Management System and Data Migration Services](#)

Staff: Gilbert Garcia, Finance and Technology Director

RECOMMENDATION

- a. Authorize the City Manager, or designee, to execute a License and Services Migration Agreement with Tyler Technologies for Data Migration Services and a Land Management System in the initial amount of \$864,560 and \$139,524 in maintenance and support fees from April 9, 2018- April 8, 2023.
- b. Authorize the City Manager or designee, to execute modifications to the agreement with Tyler Technologies, with expenditures not-to-exceed \$100,000 (approximately 10%) over the term of the agreement.

CONSENT ITEMS (continued)

5. [Acceptance Kellogg Park Improvements from Trust for Public Land](#)

Staff: Nancy O'Connor, Parks, Recreation and Community Partnerships Director

RECOMMENDATION

- a. Adopt a resolution accepting the improvements for Kellogg Park constructed by the Trust for Public Land.
- b. Authorize the City Manager to execute an Assignment and Assumption of Grant Agreement No. U59311-0 with the State of California, Natural Resources Agency and the Trust for Public Land assigning Trust for Public Land rights, duties and obligations in the Grant Agreement with the State to the City.
- c. Authorize the Parks, Recreation & Community Partnerships Director to send Trust for Public Land a Letter of Acceptance of the Kellogg Park improvements.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA ACCEPTING IMPROVEMENTS FOR
KELLOGG PARK CONSTRUCTED BY THE TRUST FOR PUBLIC LAND
RESOLUTION NO. 2018____

6. [Pierpont Lift Stations Design Alternative Analysis – Approval of Professional Service Agreement](#)

Staff: Tulson Clifford, Public Works Director

RECOMMENDATION

- a. Authorize the City Manager, or designee, to execute a Professional Services Agreement with Kennedy/Jenks Consultants in the amount not-to-exceed \$87,500 to provide civil engineering services for evaluating alternatives to replace or upgrade two Pierpont storm water lift stations at Weymouth and Dover Lanes, for an initial term from April 10, 2018 through April 10, 2019.
- b. Authorize Finance and Technology to assign increased appropriations of \$740,000 to the proper funds, projects and accounts.

CONSENT ITEMS (continued)

7. [Waterline Replacement – Ondulando Area - Phase 3, Change Order/Contract Increase](#)

Staff: Tulson Clifford, Public Works Director

RECOMMENDATION

Authorize the Mayor to execute an increase of contingency funding to Toro Enterprises, Inc., Contract No. C17-2825, for the Waterline Replacement Ondulando Area Phase 3 Project in the amount of \$10,000 increasing the total contingency from \$148,000 to \$158,000.

8. [Potential Amendment to Section 22.240.240.A Clarifying the Ability to Impose Mass Based Pretreatment Local Limits \(San Buenaventura Municipal Code Chapter 22.240\)](#)

Staff: Kevin Brown, Ventura Water General Manager

RECOMMENDATION

- a. Introduce and waive the first reading of an ordinance adding language to Sewer Use Ordinance Section 22.240.240.A, clarifying the ability to impose mass based limitations in addition to or in place of concentration based limitations for pretreatment local limits. Ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING SECTION 22.240.040.A OF THE SAN BUENAVENTURA MUNICIPAL CODE RELATING TO PRETREATMENT LOCAL LIMITS

- b. Set the ordinance for a second reading and adoption at the City Council meeting of April 23, 2018.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING SECTION 22.240.040.A OF THE SAN BUENAVENTURA MUNICIPAL CODE RELATING TO PRETREATMENT LOCAL LIMITS
ORDINANCE NO. 2018-____

9. [Consideration of Resolution Re-Confirming the Existence of a Local Emergency and a Local Public Health Emergency](#)

Staff: Gregory G. Diaz, City Attorney

CONSENT ITEMS (continued)

RECOMMENDATION

Adopt a Resolution re-confirming the Existence of a Local Emergency, title as follows:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, RE-CONFIRMING THE CONTINUING EXISTENCE OF A LOCAL EMERGENCY AND A LOCAL PUBLIC HEALTH EMERGENCY”

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RE-CONFIRMING THE CONTINUING EXISTENCE OF A LOCAL EMERGENCY AND A LOCAL PUBLIC HEALTH EMERGENCY
RESOLUTION NO. 2018-____

APPOINTMENTS TO CITY COUNCIL ADVISORY GROUPS

10. [Appointment Recommendations – Mobile Home Rent Review Board, Local Construction Appeals Board, Housing Authority Board \(Tenant Representative\) and Measure O Oversight Committee Adjustment to Term Ending Date](#)

Introduced by: Councilmember Heitmann

RECOMMENDATION

- a. Approve the following appointments recommended by the Appointments Recommendation Committee:
- Mobile Home Rent Review Board: Burt Auerbach, April 9, 2018 – January 1, 2022
 - Local Construction Appeals Board: Larry Hauer (Reappointment), December 31, 2017 – December 31, 2021
 - Parks and Recreation Commission: Bill McReynolds, April 9, 2018 – June 30, 2020
 - Housing Authority Board – Tentative Representatives: Wanda Sumner, January 12, 2018 – January 12, 2020 and Barbara Keller, January 12, 2018 – January 12, 2020

APPOINTMENTS TO CITY COUNCIL ADVISORY GROUPS (continued)

- b. Approve modifying the Measure O Oversight Committee Ending Term Dates from April 30 to July 31, allowing for changes in the committee members to be following the annual budget cycle.

PUBLIC HEARING ITEMS

11. [Public Hearing for the 2018-2019 Community Development Block Grant \(CDBG\) Funding Availability and Requests for Funding](#)

Staff: Jeffrey Lambert, Community Development Director

RECOMMENDATION

- a. Conduct a public hearing to receive public testimony regarding the Community Development Block Grant funding requests, and;
- b. Receive and provide comments on the 2018-2019 Community Development Block Grant funding requests.

12. [Appeal of the Planning Commission's Decision - Denying the Appeal of Alexander J. Annala, PhD, on behalf of The Aboody-Annala Revocable Trust, and Approving a Residential Project located at 1195 Winthrop Lane, PROJ-11007](#)

Staff: Jeffrey Lambert, Community Development Director

RECOMMENDATION

- a. Adopt a resolution to deny the appeal of Alexander J. Annala, PhD, on behalf of The Aboody-Annala Revocable Trust (Dr. Annala);
- b. Approve the Coastal Development Permit to construct a 284 square foot laundry room addition to the first floor, a 159 square foot reduction to the second floor from 1,894 square feet to 1,735 square feet, a new 867 square foot two and a half story with a 220 square foot balcony, and;
- c. Approve a Variance for the lot coverage to be above the R-1-B Zone 40% maximum from the existing 58.5% to 57.12% (a 1.38% reduction of coverage) and for the side yard setback to be less than the required 10'-0" from the existing 5'-0" to 5'-3" (a 3-inch reduction of encroachment).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, DENYING AN APPEAL AND AFFIRMING THE PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT AND AN ADMINISTRATIVE VARIANCE FOR 1195 WINTHROOP LANE
RESOLUTION NO. 2018-____

FORMAL ITEMS

13. [Thomas Fire Recovery Action Plan Implementation – Amending and Restating the Thomas Fire Rebuild Overlay Zone Emergency Ordinance, PROJ-12143](#)

Staff: Jeffrey Lambert, Community Development Director

RECOMMENDATION

- a. Introduce and adopt by four-fifths vote an emergency ordinance approving an Amendment for Height Regulations to the Thomas Fire Rebuild Overlay Zone (Case No. OA-3-18-44451), entitled:

“AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING AND RESTATING THE THOMAS FIRE REBUILD OVERLAY ZONE”; and

- b. Authorize the Mayor to execute the 8th Amendment to Rincon Consultants, Inc Professional Services Agreement No. 100002835 dated January 31, 2014, adding \$156,125 for a new total contract amount of \$853,640 for additional planning services to process anticipated Modification Permits or Height Variance applications for Thomas Fire Recovery applicants.

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING AND RESTATING THE THOMAS FIRE REBUILD OVERLAY ZONE

ORDINANCE NO. 2018-____

14. [City Hall North Improvements](#)

Staff: Tulson Clifford, Public Works Director

RECOMMENDATION

- a. Review options and potential cost estimates for City Hall North, 505 Poli Street, 4th and 5th floors improvements.
- b. Direct Staff to pursue a lease on the 5th Floor at 505 Poli Street at a market rate and negotiate tenant improvements.
- c. Direct Staff to enhance Technology Incubator businesses on the 3rd Floor at 505 Poli Street and install broadband fiber-based internet connectivity.

FORMAL ITEMS (continued)

- d. Direct Staff to mitigate the hazardous materials in the Crime Lab at 505 Poli Street in preparation for demolition or building occupancy.
- e. Consider future uses of the 4th floor including Technology Incubator, non-profits, or private sector at market rate contingent upon a parking study.

PUBLIC NOTICES

Items listed under Public Notices are a matter of public record only. These items do not require City Council action.

15. Recent Decisions of the Design Review Committee

Design Review Committee March 21, 2018 Actions: Approved
PROJ-8647 – Case Nos. DRC-3-18-44270; MC-7-17-41363

Amendment to previously approved Design Review and Minor Change to a previously approved Planned Development Permit for the construction of a 78,359 square foot self-storage condominium development consisting of four (4) self-storage buildings and one 1,409 square foot office building located at the northwest intersection of Leland Street and Golf Course Drive; Nicole Harding, applicant; Manufacturing Planned Development (MPD) zone.

Design Review Committee April 4, 2018 Actions: Approved
PROJ-10910 – Case Nos. COD-3-18-44296

Confirmation of Details pursuant to Condition No. 19 of Design Review Committee Notice of Decision DRC-2017-15 for the development of a 2,140-square foot (sf) one-story Starbucks Coffee Café, a 6,943-sf one-story multi-tenant retail building with three tenant spaces, and 1 40-space parking lot on a 1.02-acre project site located at the northwest corner of Victoria Avenue and Moon Drive; Iralex-Victoria, Inc., applicant; T4.9 zone, Parkway Overlay.

PUBLIC COMMUNICATIONS

CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES

Per Governmental Code Section 54954.2(a)(2), the Council Communications section of the agenda provides City Council the opportunity to ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Councilmembers serving on regional boards, commissions, or committees to present a verbal report to the full City Council on the activities of the respective boards, commission, or committees upon which they serve.

CITY MANAGER COMMUNICATIONS

ADJOURNMENT

This agenda was posted on Thursday, April 5, 2018, at 2:00 p.m. in the City Clerk's Office, on the City Hall Public Notices Board and on the internet. Amended agenda posted April 6 at 9:15 a.m.